

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LANCE CONWAY WOOD,
Plaintiff,

Case No. 2:20-cv-00362-SB

OPINION AND ORDER

v.

SUE WASHBURN *et al.*,
Defendants.

BECKERMAN, U.S. Magistrate Judge.

Lance Wood (“Wood”), a self-represented litigant in custody at the Eastern Oregon Correctional Institution, filed this civil rights action under [42 U.S.C. § 1983](#). Now before the Court is Wood’s motion for leave to amend his complaint to add an Eighth Amendment failure to protect claim and a First Amendment claim alleging that defendants concealed or destroyed evidence. ([ECF No. 53](#).) For the reasons discussed below, the Court denies Wood’s motion for leave to amend his complaint at this time, but extends the deadline for Wood to move for leave to file an amended complaint.

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DISCUSSION

Wood requests leave to amend his complaint to add an Eighth Amendment failure to protect claim and a First Amendment claim alleging that defendants concealed or destroyed evidence. Defendants oppose the motion because Wood has failed to comply with the Court's local rules requiring the moving party to attach a proposed amended complaint to any motion for leave to amend a pleading. (Defs.' Resp. at 2.)

U.S. District Court Local Rule ("LR") 15-1 provides certain procedural requirements relating to the amendment of a pleading. LR 15-1(c) requires a party moving to amend a pleading to "reproduce the entire pleading and . . . not incorporate any part of the prior pleading by reference." LR 15-1(c). In addition, the moving party must attach a copy of the proposed amended pleading as an exhibit to any motion for leave to file the amended pleading. LR 15-1(d)(1).

Wood did not attach as an exhibit to his motion a copy of his proposed amended complaint. Because Wood has not complied with the Court's local rules, the Court denies Wood's motion without prejudice to refile the motion for leave to amend at a later time. In fact, it appears that Wood filed the instant motion to preserve his right to seek leave to amend his complaint at a later date. (See Pl.'s Mot. at 2, requesting leave to amend "once the discovery issues raised in his Motion to Compel, and exhaustion of his administrative remedies are complete.") Accordingly, the Court extends the deadline for Wood to file another motion for leave to amend his complaint to May 28, 2021. The Court advises Wood that, should he choose to refile his motion for leave to amend the complaint, he must attach as an exhibit to the motion a copy of his proposed amended complaint, which should incorporate all of his claims and not merely incorporate his original claims by reference.

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CONCLUSION

For the reasons stated, the Court DENIES Wood's motion for leave to amend his complaint ([ECF No. 53](#)), without prejudice to requesting leave to amend his complaint at a later date. The Court also extends Wood's deadline to file another motion for leave to amend his complaint to May 28, 2021.

IT IS SO ORDERED.

DATED this 23rd day of April, 2021.



HON. STACIE F. BECKERMAN
United States Magistrate Judge